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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Application of: Broome et al. Confirmation No.: 4872  
Serial No.: 09/723,003 Art Unit: 3731  
Filed: November 27, 2000 Examiner: Truong, Kevin Thao  
For: Distal Protection Device and Method Attorney Docket No.: 1001 1350102

NOTICE OF APPEAL FROM THE PRIMARY EXAMINER  
TO THE BOARD OF PATENT APPEALS AND INTERFERENCES

Mail Stop AF  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

Applicant hereby appeals to the Board of Patent Appeals and Interferences from the decision dated October 24, 2004 of the Primary Examiner finally rejecting claims 51 and 59 of the above-identified application.

The item(s) checked below are appropriate:

1. ☒ An extension of time for responding to the final rejection for three (3) month(s):  
☐ was filed on  
☒ is submitted herewith.
2. ☒ A timely response to the final rejection has been filed.
3. ☒ A fee in the amount of \$500.00 is:  
☒ Required.  
☐ Not required (Fee paid in prior appeal).
4. ☐ Applicant has qualified for the 50% reduction in fee for an independent inventor, non-profit organization or small business concern and a fee in the amount of \$250.00 is:  
☐ Required.  
☐ Not required (Fee paid in prior appeal).
5. ☒ Please charge the required fee, if any, to Jones Day Deposit Account No. 50-3013. A copy of this sheet is enclosed.

Respectfully submitted,

Date: April 1, 2005

Thomas E. Friebe

29,258

(Reg. No.)

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